

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JASON XERXES DENNIS,

Plaintiff,

v.

GOOGLE/GOOGLE PLUS, *et al.*,

Defendants.

Case No. C20-1347-BHS-MLP

ORDER TO SHOW CAUSE

Plaintiff Jason Dennis is currently confined at the Maleng Regional Justice Center in Kent, Washington. He has submitted to the Court for filing a prisoner civil rights complaint together with an application to proceed with this action *in forma pauperis*. (*See* Dkt. # 1.) Plaintiff alleges in his complaint that the Defendants identified therein violated his rights under the Fourth, Fifth and Fourteenth Amendments when they used Google applications to track his movements and attempted to have him killed. (*Id.* at 4-8.) Plaintiff asserts that his life is constantly in danger as a result of Google’s “evil plots” and that he is terrified. (*See id.*) He names Google/Google Plus and Virgie Garabitez Dennis, his ex-wife, as Defendants in this action. Plaintiff seeks \$124 million in damages and he wants for Google to leave him alone. (*Id.* at 9.)

ORDER TO SHOW CAUSE - 1

1 In order to state a claim for relief under 42 U.S.C. § 1983, a plaintiff must show (1) that
 2 he suffered a violation of rights protected by the Constitution or created by federal statute, and
 3 (2) that the violation was proximately caused by a person acting under color of state law. *See*
 4 *Crumpton v. Gates*, 947 F.2d 1418, 1420 (9th Cir. 1991). Acting “under color of state law”
 5 requires that a defendant have exercised power “possessed by virtue of state law and made
 6 possible only because the wrongdoer is clothed with the authority of state law.” *West v. Atkins*,
 7 487 U.S. 42, 49 (1988) (quoting *United States v. Classic*, 313 U.S. 299, 326 (1941)). The only
 8 Defendants identified in Plaintiff’s complaint are Google/Google Plus, a private company, and
 9 Ms. Dennis, a private citizen, and Plaintiff does not allege any facts suggesting that these
 10 Defendants may be properly deemed state actors for purposes of this civil rights action. Thus,
 11 Plaintiff has not identified a viable Defendant in this action.

12 Based on the foregoing, this Court hereby ORDERS as follows:

13 (1) Plaintiff shall show cause not later than ***thirty (30) days*** from the date on which
 14 this Order is signed why this action should not be dismissed pursuant to 28 U.S.C. §
 15 1915(e)(2)(B) for failure to identify any viable Defendant. Failure to timely respond to this Order
 16 will result in a recommendation that this action be dismissed.

17 (2) The Clerk is directed to send copies of this Order to Plaintiff and to the Honorable
 18 Benjamin H. Settle.

19 DATED this 14th day of October, 2020.

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22 MICHELLE L. PETERSON
 23 United States Magistrate Judge